[1] S.B. Civil Writ Petition No.3446/06
Smt. Geeta Sharma Vs. State & Ors.

[2] S.B. Civil Writ Petition No.3342/06
Smt. Hemlata Sharma Vs. State & Ors.

Date of Order : 25/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Ashok Bansal, for petitioners
Mr. B.K. Sharma, Dy.G.A.

Counsel for petitioners does not want to press the application [Inward No.14947 dt.9th May, 2006] and application [Inward No.14948 dt.9th May, 2006] whereby they are seeking permission for deleting the name of respondent No.5. Accordingly, both the applications are dismissed as not pressed.

Both the writ petitions have been filed against the order passed by the Rajasthan Civil Services Appellate Tribunal, Jaipur dt.13th April, 2006 whereby the appeal preferred by both the petitioners against their order of transfer dt.21st February, 2006 [Ann.1], has been rejected.

This is not disputed by the counsel for petitioners that both the petitioners; Smt. Geeta Sharma & Smt. Hemlata Sharma, remained posted in Government Primary School, Atewa for a sufficient long time and were transferred vide order dt.21st February, 2006 to Government Primary School, Khohari and to Government Primary School, Megra Khurd. Counsel informed that the place where present petitioners have been transferred is at the distance of 30 kms.

Learned Tribunal after taking into consideration the material, recorded a finding that petitioners were not able to show any malice in passing order impugned Ann.1 dt.21st February, 2006 and mere recommendation made by Sarpanch and so also of District Education Officer will be of no significance, particularly, when the competent authority has exercised its discretion in passing order of transfer in the interest of administration.

Counsel for petitioners submits that while passing the order impugned by the authority with regard to their transfer, it was observed that they are not discharging duties properly, as such very action in passing order impugned is punitive and the same could not have been passed without affording opportunity or calling their explanation.

In my opinion, the submission made is without any substance. If the competent authority is not satisfied about working performance of the concerned employee and considered proper in the interest of administration to transfer such employee for one or other reason which in no manner can be said to be punitive and opportunity and show cause notice is not required to be afforded in such like matters and this fact remain undisputed that both the petitioners remained posted at Atewa since 1999 and have been transferred at the distance of 30 kms. No malice has been able to establish against the authority in passing order impugned.

I find no error in the finding recorded by the Tribunal while upholding the order with regard to their transfer.

Counsel for petitioners submits that atleast they may be permitted to make representation apprising of

their difficulties which they are facing on account of their transfer. The petitioners are always free to make representation to apprise the difficulty to the appropriate competent authority.

Consequently, both the writ petitions stand dismissed.

[Ajay Rastogi],J.

FRB